RICHMOND, VA., WEDNESDAY, FEBRUARY 18, 1914

CASTILLO CAUGHT ON AMERICAN SOIL BY U. S. TROOPS

Bandit and Six of His Followers Surrender Without Fight.

RESPONSIBLE FOR TUNNEL DISASTER

Whether Prisoner Shall Be Surrendered to Rebels Is Legal Question Which Remains to Be Settled-If This Is Done, His Execution Is Certain.

El Paso, Texas, February 17 .- Maximo Castillo, the Mexican bandit charged with responsibility for the Cumbre tunnel disaster, in which ten Americans and forty-one others lost their lives, to-day was captured thirtyeight miles south of Hachita, N. M., by American troops

The information to-day was conveyed to General Hugh L. Scott, commandant at Fort Bliss, in an official telegram from Captain White, Ninth United States Cavalry.

With the bandit were six of his followers, who, according to Captain White's brief dispatch, surrendered without a fight. They will be brought

here.
Castillo, to avoid a range of mountains on the Mexican side, made a detains on the Mexican side, made a detour which brought him into American territory. Captain White was on the watch, having received information yesterday from Walter McCormick, American manager of Las Palomas ranch, on the Mexican side, that the bandit was in the vicinity.

Whether the prisoner shall be surrendered to the rebels is a legal question which remains to be settled. If this is done there is no doubt that he will be executed for the Cumbre disaster. He is not charged with any crime on this side.

on this side.

Every Life Is Lost.

Castillo set fire to a freight train in the Cumbre tunnel two weeks ago. The cars were burning when a passenger train crashed into it, and every life aboard was lost. The tunnel still is

A special to the Times from Hachita, N. M., says the capture was made by Lieutenant Rothwell, of Troop A. It band of outlaws, under heavy

guard, is marching overland to Hachita and should arrive about midnight. Charles McDow, a prominent rancher, who knows Castillo, identified them, and the latter made no attempt to deny it.

"Captain White will ask that Castillo and Captain Emilo Garcia, a member of the band previously captured, be transported immediately to El Paso, as the number of soldiers on duty here

Previous reports of Castillo's capture made to General Villa proved untrue. The latter expressed his gratification

How to accomplish this has not been decided. United States immigration authorities might deport the prisoners as undesirable aliens, and this probably would result in their immediate capture by General Villa, who has announced his intention of executing them publicly at Juarez. A special treaty between the United States and Mexico authorizes border States of the two countries to deliver fugitives to one another without reference to the Federal governments. Under this, Castillo and his followers, if turned over to the Governor of New Mexico might be delivered to Manuel Chao, Constitutionalist Governor of Chihuahua, the Mexican State in which the crime was comcan State in which the crime was com-

mitted.
No official report of the capture of bandits had reached Washington

Ordered to Vera Cruz. Washington, February 17.—After a conference with President Wilson to-

day, Secretary Daniels ordered presidential yacht Mayflower to Mex-ican waters to relieve one of the battleships at Vera Cruz. The Presiden has had no use for the yacht lately, and boats of the gunboat class are regarded as particularly useful in Mex-ican waters because of their light

Captain Harry McL. Huse will go on the Mayflower to Vera Cruz to become chief of staff to Admiral Fletcher. The Mayflower will be away about two

The State Department has not been moved by inquiries of any foreign gov-ernments as to the sending of a marine force to the Mexican capital. is said that such a step is regarded as

unnecessary. The statement to-day was repeated that the dispatch of machine guns and ammunition by the British admiral at Vera Cruz to the British legation in Mexico City was within international practice. The State Department has no knowledge that British marines actualhave occupied the legation. it has assumed that this would be done

Rebels and Federals in Fight. Brownsville, Texas, February 17.— Ten Federals were killed, eleven were captured, including a captain, and 125

in case of necessity.

Constitutionalists were wounded in a battle to-day at Sabinas Hidalgo, Nueyo Leon, Mexico, according to an official report received at Matamoras. The robels were attached to the command of General Cesario Castro. The Constitutionalists were

(Continued On Tenth Page.) MARDI GRAS CELEBRATION. \$26.75 New Orleans and Return. \$23.55 Mobile and Return. Via Norfolk and Western Rallway.

SCHOONER SAFE IN PORT

The Bayard Hopkins Rescued at Sea by Revenue Cuiter.

[Special to The Times-Dispatch.]
Newbern, N. C., February 17.—The schooner Bayard Hopkins, loaded with lumber and badly disabled, was towed into port at Beaufort to-day at noon and members of the crew were taken off. The vessel encountered a severe gale last Friday night and lost her sails and spars, and was in a helpless condition until she was rescued by the cutter Seminole on Sunday afternoon. One member of the crew received a broken arm, and he was placed in the hospital at Morehead City for treatment. The vessel was en route to New York from Wiggins, S. C. The United States survey boat Sunshine went ashore on Cape Lookout shoals on Sunday afternoon, but has been pulled off, and is now safe at Cape Lookout.

STOP EFFORT TO GET BAIL

Trial of Jetton for Killing Wotten Set

Trial of Jetton for Killing Wotten Set for Thursday.

Charlotte, N. C., February 17.—All efforts to obtain the release on ball of R. M. Jetton, held here for the alleged murder of Dr. W. H. Wotten last Tuesday, to-day were ceased, when Jetton was arraigned in Superior Court on a charge of murder and the trial set for Thursday of this week. Both the State and the defense expressed readiness to begin the trial on that date. Jetton entered a plea of not guilty, and the court ordered a special venire of 190 drawn.

A singular circumstance arose when, in the drawing of the veniremen, the name of the defendant was called. It was soon noticed by the court and the name passed.

MAYOR GOES ON STRIKE

Objects to Cut in Salary From S2 to 62

Cents a Day.

[Special to The Times-Dispatch.]

Mendota, Ill., February 17.—Because the City Council is attempting to cut his salary from S2 to 62 cents per day. Mayor Charles Rogers, of Mendota, has gone on a strike, tying up the city's business. Besides refusing to sign any bills or sanction any of the city's transactions, the Mayor has threatened to sue the municipality for his pay. At the time of his election Mayor Rogers understood he was to receive \$200 annually. At a recent meeting of the City Council he found his salary was to be only \$225. The city's executive then declared a strike. Mendota has a population of 5,000.

LEGISLATURE IN TUMULT

Special Session in Ohio Closes Amid Scenes of Excitement.

Columbus, Ohio, February 17.—Scenes of tumult, which at times bordered on riot, marked the close late to-day of the special session of the Legislature, which adjourned sine die.

An altercation in the House between Representative M. A. Warner, Democratic floor leader, and Representative J. G. Cooper, a Republican, was prevented by other members separating them during a quarrel over the automobile license tax bill, an administration measure, which was passed and sent to the Governor.

Governor Cox left to-night on a tendays' vacation trip to Florida.

NEW YORK BANKS APPLY

Atl Signify Their Intention of Joining
Federal Reserve System.
[Special to The Times-Dispatch.]
New York, February 17.—Despite
the loud cry raised against the passage of the new currency law, all of
the thirty-six national banks in New
York City have signified their intention of joining the Federal reserve
system.

MRS. HOUSTON ENTERTAINS

Miss Margaret Quayle Expires Refore
Frather Reaches Her Side.
Chicago, Ill., February 17.—Miss Margaret Quayle, daughter of Bishop William A. Quayle, of St. Paul, died at a hospital hero to-day, while her father was rushing to her bedside on a fast train. Miss Quayle had been in the hospital here for two weeks. She underwent the radium treatment for a growth on her left leg at a Baltimore hospital, and was being returned to her home at St. Paul when she became her home at St. Paul when she became critically ill.

TO RESTRICT SALE OF POISON

Physician's Prescription Necessary to Obtain Bichloride of Mercury, ew York, February 17.—Bichloride mercury can be sold at retail in city after March 1 next only upon mercury concept city after this city after March 1 next only upon prescription of a physician. A regulation adopted to-day by the Board of Health so provides. As an additional precaution, the tablets must have the poison mark stamped on them.

Preparations containing less than one-tenth of a grain of the agent are not included in the regulation.

MACE TEMPORARILY LOST

House Halts Session Until Insignia of Authority Is Restored.
[Special to The Times-Dispatch.]
Washington, February 17.—The silver mace, insignia of authority in the House of Representatives, was temporarily lost to-day for the first time within the memory of man. Wallace Bassford, Speaker Clark's secretary, noted its absence, and the session was held up until the silver standard had been found and returned to its position at the Speaker's elbow. Here it has stood during each sossion of the House since 1789.

Death of Mrs. George W. McCrary. Kansas City, February 17.—Mrs. George W. McCrary, aged seventy-nine, widow of the Secretary of War in President Hayes's Cabinet, to-day died at the home of her daughter, Mrs. Henry L. McCune.

Death of Senora De Pierola. Lima, Peru, February 17.—Senora de Picrola, widow of General Nicholas de Pierola, who was President from 1898 to 1899, died to-day. General de Pierola died last June.

FRANK VERDICT MAY MAKE EFFORT IS SUSTAINED BY TO OVERRIDE VETO SUPREME COURT ON LITERACY TEST

Atlanta Factory Superintendent Step Closer to Gallows. Their Guns.

HIS LAWYERS MAY CONTINUE FIGHT

Battle for Freedom Can Be Prolonged in Number of Ways, and Months Likely to Elapse Before Fate Finally Is Determined-Convicted of Killing Girl.

would make no statement as to what steps they would take next, it was reported that they have not yet given up the determined battle which they have waged for the freedom of the young factory superintendent. News that the highest court of the State had denied him the right to be again tried, failed to shake the iron nerve of the condemned man. His friends said he received the tidings quietly, refusing to comment thereon.

While the Supreme Court's decision is voluminous, the pith of the ruling is contained in the head next which was a for time to the belief that it would accept the bill if it passed the Senate. An interesting session of the Senate. An interesting session of the senate, would accept the bill if it passed the Senate. An interesting session of the senate. An interesti

while the Supreme Court's decision is voluminous, the pith of the ruling is contained in the head-note which says: "The evidence supports the ver-

Frank's fight for freedom may be prolonged in a number of ways, and to-night it was pointed out that months m.

see institutions have an aggregate it was pointed out that months to the field of \$116,500,000 and surplus of the federal reserve bank that to the Federal reserve bank that the established in this city.

Fifth National Bank to-day apfor membership in the new system of the surpression of the su lawyers may move to reargue the case before that body. In the event that such a motion was denied, an attempt then probably would be made to get

Miss Margaret Quayle Expires Before step of the prosecution since Frank's arrest on suspicion on April 29, 1913, has been stubbornly contested. Much popular feeling has been manifest both for and against the defendant.

for and against the defendant. Frank's arrest came two days after Frank's arrest came two days after the body of Mary Phagan was found by a night watchman in the basement of the National Pencil Factory, where she had been employed, and of which Frank was superintendent. On May 8, a coroner's jury ordered that Frank a turned his attention. To-morrow he will confer with Majority Leader Underwood, who has been a stanch advocate of toll exemption for American ships.

Representatives Covington and Domestic Communication of the House Commerce Communication. against Lee were dismissed.

(Continued On Third Page.)

grams, and the balance by mail.

The Times-Dispatch:

Members of Committee Inclined to Stand by

CERTAIN MEASURE CAN PASS SENATE

Information of President Wilson's Opposition Causes Amazement. Action Toward Solution of Panama Canal Tolls Exemption Is Probable Within Few Days.

Atlanta, Ga., February 17.—Leo M. Frank, under sentence of death for the murder of fourteen-year-old Mary Phagan here on April 26 of last year, to-day was advanced one step closer to the gallows, when the Georgia Supreme Court sustained the verdict of the lower court, which pronounced him guilty. The opinion, written by Justice Hill, Lumpkin and Evans, A dissenting opinion was entered by Chief Justice Fish and Justice Beck.

Although Frank's lawyers to-night would make no statement as to what steps they would take next, it was reported that they have not yet given up the determined battle which they have waged for the freedom of the feedom of the senate Immigration Committee. Washington, February 17.—Information that President Wilson would veto the immigration bill 'f it is sent to him from Congress with the literacy test provision to-day amazed members of the Senate Immigration Committee. Many of them confessed to-night that they were bewildered, inasmuch as they had determined to retain the literacy test in their draft of the immigration bill 'f it is sent to him from Congress with the literacy test provision to-day amazed members of the Senate Immigration Committee. Many of them confessed to-night that they were bewildered, inasmuch as they had determined to retain the literacy test in their draft of the immigration bill 'f it is sent to him from Congress with the literacy test provision to-day amazed members of the Senate Immigration Committee. Many of them confessed to-night that they were bewildered, inasmuch as they had determined to retain the literacy test in their draft of the immigration bill 'f it senat to him from Congress with the literacy test provision to-day amazed members of the Senate Immigration Committee. Many of them confessed to-night they were bewildered, inasmuch as they had determined to retain the literacy test in their draft of the immigration committee. Senate Immigration to him from Congress with the literacy test provision to-day amazed members of the Senate Immigration Committee.

waste of time to take up consideration of immigration reform at all, if the restrictive literacy test again would Disserting Opinion.

In their dissenting opinion, Chief Justice Fish and Justice Beck held that the trial court erred in admitting the testimony of James Conley and C. B. Dalton, regarding alleged acts involving immoral conduct on Frank's part toward women prior to the murder of the Phagan girl.

Unless an extraordinary as a beneficial form of restriction, had voted for it twice before, and felt constrained to insist upon it again, but they did not want to waste the time of a busy Congress should there be a possibility of immigration legislation falling again under the executive ax.

Senator Smith

the Phagan girl.

Unless an extraordinary motion for a new trial or some other move in behalf of the convicted man is made, he will be resentenced within the next two weeks. The decision of the Supreme Court first must be entered as that of the trial court, after which sentence again may be imposed.

Frank's fight for freedom may be that it might not repass both houses that it might not repass both houses by a two-thirds vote over the head of the President. The Senate repassed a similar bill over President Taft's veto, but it failed in the House.

Tolls Exemption Provision.

Washington, February 17.—That the Senate may not wait for initiative action in the House before taking under serious consideration the matter of repealing the tolls exemption extension of the Panama Canal act, became apparent to-day. It was stated by several Senators who are anylous to have

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The latter expressed his gratification.

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The latter expressed his gratification at the capture to design the capture to design the capture to the question at the capture to the capture to the question was noted to the capture to the captu

Thinks Opposition Overcome. President Wilson, it was learned to-day, is confident that formidable op-position in the Senate to his toll policy already has been overcome. it was learned that four Democratic Senators told the President on the Senators told the President on the night of his conference at the White

House with the Foreign Relations Committee that they would reverse their position and vote to repeal the free toll section of the canal act.
In the ouse, however, considerable opposition to repeal of the tolls provisions has developed, and to this the

and Newt Lee, the negro watchman who discovered the body, be held for grand jury investigation. Frank was indicted to confine the exemption to American murder on May 24. Charges ships engaged "exclusively" in coast-wise shipping. They have told the President intimations were contained in against Lee were dismissed.

Trial Began in July.

The trial began July 28. It was featured by the sensational testimony of James Conley, a negro sweeper at the factory. He declared he helped Frank dispose of the Phagan girl's body after the superintendent had killed her, and

(Continued On Third Page)

Richmond, Va., February 16, 1914.

EASTERN MOTOR SALES CORP.

R. B. Allport.

RESULTS!

EASTERN MOTOR SALES CORPORATION,

Gentlemen,-It may be of interest to you to know the results of

By means of this advertisement we saved considerable money and

the half-page ad in your issue of the 13th inst., announcing the arrival of our Grant demonstrator. We have received more than six-

ty-five applications for agencies in Virginia and North Carolina, some

of these coming by way of long distance telephone calls and tele-

time, as it would have taken a man more than thirty days to have

covered the territory in as satisfactory a manner. As this advertisement was intended as an announcement to the trade throughout

the State the results speak for themselves. At the same time the

local interest aroused by this advertisement has been gratifying, a

number of persons calling at our sales room to look the car over.

Yours very truly,

simpler code. meeting to appoint a committee of nine,

All Parties Concerned Agree to Accept

Six Railroads Apply for Permission to Hold Water Lines.

Washington, February 17.—Six more railroads to-day applied to the Interstate Commerce Commission to be permitted to keep their water lines after July 1. The Panama Canal act forbids such ownership, unless the lines are noncompetitive or the commission of the Senate that "majority of an oncompetitive or the commission of the Senate that "majority of an oncompetitive or the commission of the Senate that "majority of all the members elected," as required south not be permitted to keep their water lines after a noncompetitive or the commission of the Senate that "majority of all the members elected," as required south ownership, unless the lines are noncompetitive or the commerce. Among the applicants were the Atlantic Const Line Railroad, owned the Allines of the Company and the Cold Dominion Steamship Company and the Cold Dominion Steamship Company and the States of the Old Dominion Steamship Company and the Woole of the Ballimore Steam Packet Company; the Seaboard Air Line Railway, owning 2,100 shares of the Old Dominion Steamship Company and the Woole of the Ballimore Steam Packet Company, the stock of the latter being pipeleged as security for obligations, and the Chesapeake and Ohlo Railway, Company, owning 1,200 shares of the Old Dominion Steamship Company.

MARKET PUT TO SEVERE TEST Underwritings Aggregating \$154,000.— The Commerce of the Company.

MARKET PUT TO SEVERE TEST Underwritings Aggregating \$154,000.— The Commerce of the Company of the State.

This necessarily means that the State is to pay for the expenses of such published in various sections of the State.

There are bett two questions involved:

1. Is this a bill which "creates, continues or revives an appropriation of Virginia.

There can be but two questions involved:

2. If so, must the report of the continues or revives an appropriation of public or trust money."

2. If so, must the report of the continues or revives an appropriation of public or trust money.

(a) It is provided that t

diate obligations.

PASSENGER TRAIN WRECKED

Engineer Killed, but no Passengers
Are Seriously Hurt.

[Special to The Times-Dispatch.]

Montreal, February 17.—The Toronto
express for Toronto, over the Canadian
Pacific Railroad, 'to-day was wrecked a
mile and a quarter east of Mountain.
The engine left the rails, taking with
it the other coaches. The engineer, R.
Grant, of Montreal, was killed. The
fireman had a miraculous escape. The
other members of the train crew were
slightly injured, but the Canadian Pacific Railroad announces from headquarters here that no assessments. cific Rallroad announces from head-quarters here that no passengers were seriously hurt.

Cummins Announces End of His Fight [Special to The Times-Dispatch.] Washington, February 17.—Senato ummins returned to Washington to Washington, February 17.—Senator Cummins returned to Washington today and indicated that he would not further oppose the confirmation of Henry Clay Hall, of Colorado Springs, as Interstate Commerce Commissioner. Cummins while in Colorado recently conferred with Hall. The nomination probably will be favorably reported to the Senate soon. probably will be the Senate soon.

Cloudburst Wreaks Havec.
Oviedo, Spain, February 17.—A cloudburst to-day wrought havec in the city
of Oviedo and the surrounding country. When a part of the town was
flooded residents took refuge on the
roofs of houses.

In the country districts hundreds of
cattle were swept away. Soveral

SIMPLER CALLING CODE

Adopted by Women of Official Set in Washington.

Washington, February 17.—A simpler calling code was adopted at a meeting of official women held this morning at the Congressional Club, upon motion of Mrs. Duncan U. Fletcher, president of the club. It was agreed by the official women present, including Cabinet women and congressional leaders, that after the first call an interchange of cards by mail, footmen or messenger or otherwise is all that is necessary.

or messenger or otherwise is all that is necessary.

The present system of returning first calls will be continued. Former Ambassador Henry White, who served in Rome and Parts, told how in France dards are freely used, left in person, by footmen, messengers or sent through the mails. Mrs. Robert La Follette advocated the elimination of all prescribed calls, and the use of the Congressional Club as a clearing-house for social obligations. Mrs. William P. Boriand, Mrs. John B. Henderson, Mrs. Hawley and Mrs. Burns also advocated a simpler code.

which will draw up the new social call-ing code and bring in recommendations as to the settlement of vexed questions of precedence and procedure.

NO CONTEST IN WILL CASE

ASK TO KEEP OWNERSHIP

e known to be negotiating meet more or less imme-

MRS. ASTOR WINS VERDICT

Awarded 8060 in Action for Damage to House Caused by Collision.

[Special to The Times-Dispatch.]
New York, February 17.—Mrs. Madeline Force Astor, the young widow of John Jacob Astor, was awarded a verdict of \$669 to-day by a jury before Justice McAvoy in the City Court. Mrs. Astor did not appear in court.

The action was brought against the Fifth Avenue Coach Company and Mercantile House for damage to the fence and the stone coping in front of the Astor residence, at No. \$40 Fifth Avenue. A bus of the coach company and a wagon of the other company collided in front of the Astor house and caused the damage. The jury decided that the mercantile firm must pay the entire judgment. Awarded 8069 in Action for Damage to

WILL NOT OPPOSE HALL

BOTH SIDES FILE BRIEFS IN REGARD TO ENABLING ACT

Senator Early Cites Pre-Senators Walker and cedents in Support of His Contention.

CLAIMS BILL NOT READ IN SENATE

Many Authorities Quoted to Show Act Required Twenty-One Affirmative Votes on Final Passage-Some Opponents Reserve Their Fire for Court Contest.

contest over the will of the late Baroness Margaret Laura De Steurs-Zeborowski to-day was settled by report of a referee, who recommended that two children by her first marriage be given a share in their mother's \$4,000,000 estate. The referee recommended also that the words of condemnation be expunged from the baroness's will, which cut them off without a cent because, she said, they had not shown her proper love and respect.

The contestants were Hubert and Margaret De Steurs, children of the baroness by her first marriage to the Baron De Steurs, whom she divorced in 1890. The referee recommends that they be given \$325,000 each. The contestants were libert and baroness by her first marriage to the Senator in the courts the more lattices will left the whole estate to Louis Zeborowski, son of the baroness and her second husband, Count Elliott Zeborowski, it is said that all parties concerned have agreed to accept the compromise.

The baroness before her marriage was Miss Margaret Laura Astor, of New concerned nave agreed to the compromise, compromise, after the General Assembly has after the Baroness before her marriage was Miss Margaret Laura Astor, of New York.

Text of Early Brief.

Senator Early's brief attacking the validity of the bill follows in full:
To Hon. H. C. Stuart, Governor of Virginia:

equal confidence, that it is of public money." Nor, probably, will it be denied that, if the expenses of the election were to be paid from the State treasury, the bill would require the constitutional vote." We contend that "constitutional vote." We contend that the power listed."

Again in Munn vs. Illinois, 94 United States Reports, page 124, the Supreme Court declared "under our system, that now of the requirement of the requirement. belonging to the cities and counties.

The cities and counties are political State has given them. The moneys un-der their control, and from which the expenses of this election are to be paid, are raised by taxation, just as the moneys in the State treasury are raised
-they are "public" moneys. Can they,
by any possible construction of language, be called "private"?

guage, be called "private"?

Quotes Similar Case.

Under the old Constitution arose the case of Lambeth vs. Smith, 98 Va. 268. The language there was "an appropriation of public or trust money"—not by any means as broad, it will be observed, as that of the present Constitution—and yet the court held Constitution—and yet the court held that "the costs of printing and binding" the books of the commissioner of valuation, "as well as the costs of advertising as prescribed in the act," brought the act within the require-

Other courts have held that "public" money includes moneys of cities and

countles. Myers vs. Klowa Company, Commissioners, 60 Kan. 189. The statute provided that "the county treasurer shall deposit daily all public money" in a bank, etc. Held-that this includes money belonging to the State, county and townships—and that "public money" and "county funds" are "con-vertible terms."

In re Renier, 122, Fed. 109. Our treaty with Germany includes, among extraditable offenses, "the embezzlement of public moneys."

Defines Public Moneys.

cashier of a savings bank in the town of Lauenstein, which bank was owned by the city. He embezzled funds belonging to the savings bank and escaped to this country. He resisted extradition upon the ground that the money embezzled by him was not "public money," and so not within the terms of the treaty. The court says: "The money deposited in the savings bank by individual depositors was, of course, before the deposit, private moneys, but upon the deposit, the money became the money of the city of Lauenstein, the owner of the bank. The coun-In the country districts hundreds of cattle were swept away. Several houses collapsed and roads were inundated. The tracks of both the Northern and Asturias Italiroads were washed away for a considerable dis-(Continued On Second Page.)

Mapp and Dr. Cannon Join in Statement.

DISCUSS EACH POINT OF ATTACK

Assert That Bill Was Not of Character Requiring Majority of All Members Elected to State Senate, and That Its Passage Was Legal.

Compromise.

New York, February 17.—Threatened contest over the will of the late Baroness Margaret Laura De Steurs-Zeboses Margaret Margaret

atity of the Enabling Act.
The constitutionality of the enabling act has been attacked on three grounds, to-wit:

First. That the provisions as to the manufacture and sale of wine and beer provide for a monopoly, in contraven-tion of the Bill of Rights and the Fed-eral Constitution.

"constitutional vote." We contend that court declared "under our system, that no distinction can be drawn between power (to regulate the liquor traffic) money in the State treasury and that is lodged with the legislative branch of the government. It belongs to that department to exert subdivisions of the State, exercising as the police powers of the State, and such governmental functions as the to determine primarily what measures are appropriate or needful for the pro-

tection of the public morals, the pub-lic health or the public safety." Numerous other cases could be cited, Numerous other cases could be cited, but it appears to be needless to multi-ply authorities on a point so clear. In addition to these general polico powers, section 62 of the Constitution of Virginia expressly declares that "The General Assembly shall have full power to enact local option and dispensary laws, or any other laws con pensary laws, or any other laws con-trolling, regulating, or prohibiting the manufacture or sale of intoxicating liquors." In the exercise of this power the Legislature grants monopolies to dispensaries, the cities limiting the number of licenses to be granted, and it is submitted that the Legislature, in the exercise of its discretion to regu-late the liquor traffic in any manner it might deem best, could grant the power ments of the Constitution, though no actual appropriation was made by the act.

might deem best, could grant the power to sell throughout the whole State to a single individual or corporation. The granting of a license to an individual in exclusion of any one else consti-tutes a monopoly. And yet this is au-thorized under our existing laws and is actually done in various parts of the State, for example, in the towns of Rocky Mount and Clarksville.

Principle of Referendum Second. With reference to the sec-ond objection, it is submitted that the principle of the referendum is already incorporated in the laws of this State, for example, in our local option stat-utes, in provisions for bond issues, etc. This principle is clearly set forth in the opinion of the court in re: Bull v. Rend. 13 Gratt, p. 78, where Lee, J. page 88, says: "There is certainly no page 88, says: "There is certainly no express inhibition in the Constitution upon the provisional mode of legislation adopted in this cause (referring to a local option statute) . . . there is nothing which directly forbids the Legislature to make the operation of an act dependent upon the vote of the people thereafter to be taken or other future contingency. The objection, however, is that it is inconsistent with the representative principle and theory of our government, in tr ferring the power and duty of making the law directly to the people or a por-tion of them, and thus relieving tha representative body of their proper duty and just responsibility. It will not be questioned that it is entirely competent for the Legislature

to provide for taking a vote of the